

The Washington City Council met in a regular session on Monday, August 14, 2006 at the Municipal Building at 4:30 p.m. Present were: Judy Jennette, Mayor; Darwin Woolard, Mayor Pro tem; Richard Brooks, Councilman; Mickey Gahagan, Councilman; Archie Jennings, Councilman; James Smith, City Manager; Fred Holscher, City Attorney; and Rita A. Thompson, City Clerk. Councilman Gibson was absent.

Also present were: Carol Williams, Finance Director; Jimmy Davis, Fire Chief; Bobby Roberson, Planning Director; Keith Hardt, Electric Director; Julie Hicks, Library Director; Allen Lewis, Public Works Director; and Mike Voss, of the Washington Daily News.

Mayor Jennette called the meeting to order and thanked everyone for coming.

Councilman Brooks delivered the invocation.

APPROVAL/AMENDMENTS TO AGENDA

Councilman Jennings added X.A. 1. Resolution Encouraging Adoption of Smart Growth Standards by the County, and 2. Report on negotiations with the County on budget items such as 911 and Brown Library.

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously approved the agenda, as submitted.

APPROVAL OF MINUTES

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously approved the minutes of June 19, June 26, and June 30, July 6 and July 10, 2006, as submitted.

CONSENT AGENDA

On motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously approved the Consent Agenda, as follows:

- A. Adopt – Resolution Accepting Vision 100 Block Grant (336237.38.4) in the amount of \$150,000 from NCDOT-Aviation for Warren Field Airport

RESOLUTION

A motion was made by Councilman Ed Gibson and seconded by Mayor Pro tem Darwin Woolard for the adoption of the following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of \$150,000 has been approved by the Department based on total estimated cost of \$166,667; and

WHEREAS, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE City Manager (James C. Smith) of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

I, Rita Thompson, City Clerk of the City of Washington do hereby certify that the above is a true and correct copy of an excerpt from the minutes of the Washington City Council of a meeting duly and regularly held on the 14th day of August, 2006.

This, the 18th day of August, 2006.

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK
City of Washington

- B. Declare – Surplus and Authorize Electronic Auction Through GovDeals
- C. Accept – The “Staying Connected Grant” in the amount of \$2,629 from
NC Department of Cultural Resources

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2006-2007**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the amount of \$2,629 in the account Library Grant-Gates Foundation, account number 10-40-3611-3309.

Section 2. The account number 10-40-6110-7400, Capital Outlay, Library portion of the General Fund appropriations budget be increased in the amount of \$2,629 to provide funds for Gates Staying Connected Grant.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 14th day of August, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

- D. Adopt – Budget Ordinance Amendment in amount of \$91,018

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2006-2007**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the Electric Fund be increased in the amount of \$91,018 in the account Fund Balance Appropriated, account number 35-90-3991-9910.

Section 2. The account number 35-90-8390-5607, Materials Special Projects, Power Line Construction portion of the Electric Fund appropriations budget be increased in the amount of \$91,018 to provide funds for electrical improvements in alley ways downtown.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 14th day of August, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

CATHY BOYD – RECREATION ADVISORY COMMITTEE

Mrs. Cathy Boyd, a member of the Recreation Advisory Committee, stated that it is the recommendation of the Recreation Advisory Committee for the Council to adopt the proposed ordinance to amend Chapter 11, and the proposed Youth Sports Agreement.

Councilman Gahagan stated that he would like a copy of the changes highlighted (what was and what is proposed). Councilman Jennings asked if the Leagues had any input into the ordinance. Mrs. Boyd answered no. Councilman Jennings stated that the League needs to look at the agreement, especially where the “City recommends the following...”, however he doesn’t see anything they couldn’t do.

Mayor Jennette asked Philip Mobley to meet with the League Presidents and get their input.

The ordinance and agreement will be brought back at the next meeting.

**REV. DAVID MOORE - REQUEST FOR CITY TO DONATE SEVEN (7)
LOTS ON EAST MARTIN LUTHER KING, JR. FOR FIRST TIME
HOMEOWNERS**

Rev. Moore passed out an information sheet on figures he had come up with for him to build seven houses on East Martin Luther King, Jr. The houses would cost \$109,500 each, with \$667 per year taxes generated per house. The \$667 times seven lots is \$4,599 per year, or \$32,192 in taxes for seven years. All the houses would be receiving services from the City...water, garbage, electric, etc. which would average out to \$15,456 in services, or \$47,648 for seven years in total revenue. If you divide that by seven lots over a seven year period, the City would receive approximately \$6,806 per lot.

Rev. Moore stated that they have had experience with the Historic Preservation Commission, having constructed eleven houses before, and has an excellent track record even though they were taken to Court. He stated they lost \$20,000, but won the lawsuit.

Rev. Moore stated they have never had a foreclosure, provided program income to the city through CDBG programs, paid for a pumping station through in-kind contribution, paid a Micro loan in full. Rev. Moore stated the previous City Council told him that if Metropolitan had success in developing those eleven lots, they would give him the lots. (NOTE- This was checked out in the minutes of July 14, 2003 and the minutes indicated the City was not going to give more lots away.)

Mayor Jennette stated that it is the City’s intention to auction the lots off and would he want to purchase the lots. Rev. Moore stated that if he buys the lots, he would have to put more on the houses. The working poor want to own a house too and the city needs to help the.

Councilman Jennings stated that the auction money from those lots are in the budget and the budget would have to be changed. The 60 cents tax rate would be 62 cents without these lots being auctioned off.

Councilman Gibson stated that Rev. Moore has done quality work on all the houses and it has helped the looks of Washington a great deal; however, there is a moratorium on giving to institutions and developers.

Rev. Moore said they have done everything they have said they would do and have a good relationship with the Banks and the City. He asked Council to be creative and help him develop this area.

Councilman Jennings stated they want to see that area fully developed, and in the interest of Rev. Moore's suggestion to be creative, we would ask the same of him (Rev. Moore) and understand that the City cannot afford to give the lots away so they are open to a creative solution short of giving the property away.

Mr. Smith stated that the tax value on the seven lots (two parcels) is \$32,328.00.

Mr. Holscher stated that in some circumstances, the City can hold a public hearing and pass a Resolution to convey the property, and that is how Rev. Moore obtained lots in the past. The only thing that Council can do tonight is to exclude those two parcels from the 16 surplus properties.

Council mutually agreed to exclude those two parcels and proceed with the auction of the other 14 properties. Mr. Holscher stated that if the sale of the other parcels raised enough money to meet the budget, then Council would be in a different position. If we could not reach some creative solution, then Council could come back and auction as originally intended.

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously agreed to move item VI.B.1. Declare Surplus 16 parcels of City Owned Property and Authorize Sale by Public Auction up on the agenda.

**DECLARE – SURPLUS 16 PARCELS OF CITY OWNED PROPERTY
AND AUTHORIZE SALE BY PUBLIC AUCTION**

Mr. Smith stated that the remaining parcels would have to raise \$120,000 to cover the budget. Mr. Holscher stated that if two parcels are deleted (7 lots), you would have to receive bids from auctioneers again. Councilman Gibson asked why we can't take \$4,000 for them tonight and find some other property to sell? Mr. Holscher answered because you can't take less than fair market value and you also have to have a public hearing and adopt a Resolution because that would be a sale at a negotiated price for a public purpose rather than an auction. Councilman Jennings stated that the City still cannot afford to give those properties away if other properties are found to be sold.

Councilman Gahagan stated that we need to at least get the tax value for the property. Rev. Moore stated that whoever buys that land is not going to do it at the quality and standards Metropolitan would do it. Councilman Jennings stated the City has strung itself out with deals and now the cupboard is bare.

Councilman Gahagan reiterated that we cannot afford to at least get the tax value for them.

After discussion, Council mutually agreed to pull the 2 parcels from the list of 16 for the time-being, and proceed to get another bid from the auctioneers on the remaining 14 and explore what Council can do around these two parcels, and if we can reach some satisfactory conclusion that we can all feel good about, fine, and if not, we would revisit the auction of those two parcels.

Mr. Holscher stated that the best thing to do is not take action on this and come back next month.

**ED CHERRY – RESTRICTION OF CITY EMPLOYEES ON EXECUTIVE
BOARDS**

Mr. Ed Cherry, Jr. stated that it has come to their attention that there is a request of City Council for recommendation that department heads cannot serve on advisory boards or civic boards. He referred to a petition that was passed out one night and received 111 names on it in favor of what they are doing now. Mr. Jimmy Davis, Fire Chief, is President now of the Cal Rippen League and they would like to keep him. Mr. Cherry read the petition which reviewed the changes the league with Jimmy's leadership has seen in the last six years, as follows:

- 11 teams to 26 teams
- 132 to 321 participants
- \$1,000 to \$15,000 League account
- hosted six district or state tournaments
- teams not stacked with all skilled children
- participants in same uniforms
- awards give to each age group, and participation medals for each child
- increased all star teams from two to five teams

Mr. Cherry stated that it is their belief that Jimmy's employment with the City should not have anything to do with the ability to volunteer as a leader. They requested that the City Council do not prohibit Department Heads from participating as a board member with the Leagues since it is part of the City's organization. It is all about the children.

Mr. Cherry, on a personal matter, stated that he served on the Recreation Advisory Committee as a County resident, and was faced with the decision to stay on the board or stop coaching. The leagues need to take care of themselves. The City should maintain the facilities and assist the League, if needed.

Mr. Cherry stated that it depends on where you were and who you were around the answer you got. There is no room for politics when it comes to our children, especially when it come to budget problem the City has. He concluded that Jimmy has done an outstanding job for the League. He asked Council to see through the smoke screen that a handful of people have orchestrated and look at the revenue and the names on the petition and leave well enough alone.

**AMEND – PERSONNEL POLICY, ARTICLE V. CONDITIONS OF
EMPLOYMENT TO ADD SECTION 11**

Mayor Jennette asked about moving the item to amend the Personnel Policy up on the agenda.

Councilman Gibson made a motion to take VI.A.I. off the agenda for an indefinite period. Motion died due to the lack of a second.

On motion of Councilman Brooks, seconded by Councilman Jennings, Council unanimously agreed to move item VI.A.I. up on the agenda.

Mayor Jennette stated that she was determined to pass this policy tonight, but obviously the parents are very passionate about this. No one is questioning whether Jimmy has done a great job over the years, but the Council is tired of refereeing every time a dispute comes up. Parents have said they would like to sit down and resolve this.

A woman, who did not give her name, asked if bickering issues should even come to this board, and now Mr. Davis may have to pay for that. Councilman Jennings stated that this is not about Jimmy Davis, and we have to remember that the process we had

have failed and we are working with the Recreation Advisory Committee to unwind that part of the situation and work with the Leagues to get a personnel policy around our employees that will make it a level playing field, and the City will be out. He stated that Council is open to solutions that we can all come to an agreement on.

Mayor Jennette suggested that everyone get at the table together. Councilman Gahagan volunteered to get a committee together.

Mr. Mitch Ford stated that he stepped down because he thought it was a conflict. The board then asked his wife to be President. At some point, we will run out of people. A lot of parents are there for just their child. This is the first time football has a new board and they don't know what's going on. If successful people are run away, you have to start all over again and might not get the same quality of people, and as long as there is no conflict of interest.

Councilman Jennings stated that we have to agree there is no conflict of interest and we would not have this controversy now had there not been conflicts of interest. He stated we are not trying to run anyone off, we are trying to have uniform policy for all leagues to try to prevent those conflicts of interest.

Mr. Joe Moore stated that all the bickering he has seen....can anyone provide documentation on these conflicts? Councilman Jennings stated that he doesn't think that is appropriate. Mr. Moore stated that if no documentation can be provided, Council is under minding the public. He stated he is here tonight to be provided information. A lot of these conflicts should not even be discussed because they are not in the best interest of this community and are on an elementary level. The public needs to know who is conflicting and what are their conflicts, that the public needs to know.

Mayor Jennette stated that last year it was who owed who how much money? She received information from both departments. It was for use of the facilities. Mr. Moore stated that if you use the facilities, you pay a certain amount. Councilman Jennings stated that at the time the Recreation Board was set up to resolve those type of conflicts and it didn't happen, and then it spills over in the Manager's office, then Council. They have found it to be an inefficient way to handle the conflicts. Mayor Jennette stated what good is the board if the league presidents don't abide by their decisions. Mayor Jennette stated that this year it was coaching; you are not supposed to be a League President and a Coach. Mr. Moore asked who else continues to coach? Mayor Jennette stated she is going by what she has been told. Mr. Moore stated that is why they want documentation. Mr. Moore stated that everyone is going on hearsay.

Councilman Gahagan will head up the committee. Mr. Moore volunteered.

Mayor Jennette stated it would be on the next Council agenda.

ECONOMIC DEVELOPMENT COMMISSION

Councilman Gahagan stated that EDC is making plans for Quick Start Building #2 with 50,000 square feet. The difference in the price of that and the 40,000 square feet building will be made up by not paving inside (no flooring). There is someone already looking at it. Quick Start will be across the street from Quick Start #1.

TOURISM DEVELOPMENT AUTHORITY

Mayor Jennette stated that tourism numbers are up; the Bath Tri-centennial probably had something to do with that. She stated they have been working hard to come up with some guidelines for the Civic Center and are working on a process for non-profits.

HUMAN RELATIONS COUNCIL

Mayor Jennette stated that they are talking about how to work with other groups in the community to get a handle on gang activity. A speaker will be coming from Pitt County to give a program on it.

DOWNTOWN WASHINGTON ON THE WATERFRONT

Mrs. Dot Moate introduced Joey Toler, Interim Director for DWOW. Mr. Joey Toler stated that today was his first day on the job and he is saturated.

PARKING COMMITTEE

Councilman Jennings stated that they are still waiting to rename themselves as an "Authority" instead of a committee. Mayor Jennette stated they are meeting with Chris who oversees Bats and invited Councilman Jennings to the meeting.

Mayor Jennette stated that the City Clerk did a state wide search on Parking Authorities and received no information. Councilman Jennings suggested the Council break new ground.

WARREN FIELD AIRPORT

Mr. Smith stated that fencing has been initiated about halfway around the Airport. Funding will be coming in from the state and we are asking they amend the contract to use those additional funds to complete the fencing. They were looking at additional t-hangars or the fencing and they have decided to use the remaining funds to be used for fencing. Work is underway on runways safety signage lighting. Advertising is being done for an airport Operator/Manager, and hopefully by the end of next month, an operator will be announced.

Mr. Smith stated that new leases have been returned for the T-hangar rent of \$175.00 opposed to the \$150.00 a month last year.

Council recessed for break and reconvened at 6:00 p.m. for public hearings.

EXCUSE MAYOR PRO TEM WOOLARD

Mayor Jennette announced that Mayor Pro tem Woolard left the meeting for the birth of his first grandchild.

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously excused Mayor Pro tem Woolard from the rest of the meeting.

Councilman Gibson left the meeting for a brief period of time.

**PUBLIC HEARING - REQUEST TO REZONE 5.94 ACRES OF
PROPERTY FROM B2 (GENERAL BUSINESS) AND RMF (MULTI-
FAMILY) TO O AND I (OFFICE AND INSTITUTIONAL) (ZANE
BUCKMAN, AGENT FOR BRIDGE HARBOR)**

Mrs. Jane Alligood, a member of the Planning Board, stated that a request was made from Zane Buckman (representing Bridge Harbor) to rezone the property from B-2 and RMF Multi-Family to O&I. There was no opposition at the Planning Board meeting. The O&I is in compliance with the City's current Comprehensive Plan. The Planning Board recommended the rezoning.

Mayor Jennette stated this is a public hearing.

Mr. Zane Buckman requested the rezoning of this property. He stated there have been a lot of others involved, combining the two properties. He thanked the City and

County for supporting the Brownfield Fund and they have received a favorable letter back. They have been accepted in as a delegate and are working out the details. Phase I and II have been completed.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously accepted the recommendation of the Planning Board to change the zoning classification submitted by Zane Buckman, agent for Bridge Harbor, to classify 5.94 acres of property from B2 (General Business) and RMF (Multi-family) to O and I (Office and Institutional).

**REQUEST – TO REZONE 5.0 ACRES OF PROPERTY LOCATED OFF WEST
15TH STREET (BEHIND THE FORMER KMART BUILDING) FROM R-9S
(RESIDENTIAL) TO B-3 (SHOPPING CENTER)**

Mrs. Alligood stated that Mr. Charles Phillips, agent for the 15th Street LLC, made a request to rezone the area behind the old K-Mart Building. The 5.0 acres would be changed from R-9S to B03 (Shopping Center). Mr. David Hodges, representing one of the adjoining property owners, and Mrs. Elizabeth Sloan, inquired about buffer yard requirements and how they would be applied when the property is developed. Buffer yard would be required by both developers on the vacant parcels. The Planning Board recommended the proposed rezoning.

Councilman Jennings asked what consideration did the Planning Board give to the proximity of the Airport. Mrs. Alligood stated that those kinds of questions cannot be asked since it is a rezoning request, but it may be used for additional parking, and anything built there would be subject to height. It would not interrupt anything at the Airport.

Mayor Jennette opened the public hearing.

Mr. Charles Phillips, representing 15th Street LLC, stated that these 5 acres, along with the K-Mart property are needed to allow for extra parking or expansion of that building. Somehow it got left out of the loop at the time it was rezoned. Fitness Unlimited is being located there because it is being split by Highway 17 Bypass.

Mayor Jennette closed the public hearing.

On motion of Councilman Brooks, seconded by Councilman Gahagan, Council unanimously adopted the recommendation of the Planning Board and change the zoning classification of 5.0 acres of property located off West 15th Street (behind the former Kmart building) from R-9S (Residential) to B-3 (Shopping Center).

COMMENTS FROM THE PUBLIC

Ms. Josette Cruz stated she came to talk about the City having a payment plan for electric customers like other cities do. She stated that people need help from time to time. She stated it seems the electric company doesn't want to help. A payment plan would help. She stated she called Chocowinity, Greenville, New Bern, Tarboro and Tideland. She stated she is working on a proposal to bring to the Council.

Mayor Jennette stated that we have a payment plan. Ms. Cruz stated that she has been told that she cannot have a plan that she has to pay the whole bill. She stated she just moved and they told her she had to pay the whole bill. Mayor Jennette asked staff to check into it.

Councilman Brooks commented to Ms. Cruz that she has a bill that will be due at the end of the month and you moved. Before they will switch your lights, you have to pay the whole bill or either pay \$200 + partial payment, and then pay the rest at the end

of the month. Ms. Cruz answered yes. The landlord had the electricity turned off. Mr. Smith asked her to leave her phone number and someone will be contacting her.

Mayor Jennette stated that we offer budgeting billing which is an averaging of bills. Ms. Cruz stated yes, but you cannot move here and get on that payment plan, you have to be here for a certain amount of years.

Ms. Angela Jones stated she wanted to have her lights transferred too. She stated that they told her they were getting ready to send her bill out and it would have to be paid before she could have her lights transferred so now she has to pay double. She stated she paid a deposit, paid a light bill that was coming to her and now she has to start over. Her light bill was \$221 and now it's like she has to pay double. She stated she might be late, but she does pay it.

Mr. Smith stated that when someone moves out of rental property, the tenant is responsible for the bill. Mr. Smith stated that they do a final reading. She stated she has been without lights for two weeks because she can't pay double. Mr. Smith asked her to leave her phone number.

**AT- LARGE MEMBERS - RECREATION ADVISORY COMMITTEE –
TO FILL THE UNEXPIRED TERM OF WILLIAM EDWARD CHERRY,
TERM TO EXPIRE JUNE 30, 2008**

Mayor Jennette stated that this will be readvertised and will be brought back to Council at the next meeting.

**HISTORIC PRESERVATION COMMISSION – TO FILL THE EXPIRED
TERM OF SHAY TRAINER, TERM EXPIRED JUNE 30, 2006**

Councilman Jennings stated he is privy to a couple of candidates but applications have not been completed. One person has served before and another applied for the Planning Board, and perhaps would apply for this board.

Mr. Roberson will get the name of a person he will get to the City Clerk.

**ANIMAL CONTROL APPEALS BOARD – TO FILL THE EXPIRED
TERM OF INEZ KOSTO, TERM EXPIRED JUNE 30, 2006**

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously reappointed Inez Kosto to the Animal Control Appeals Board, term to expire June 30, 2009.

Mr. Smith stated that he will talk to Paul Spruill, County Manager about combining Animal Control.

**HUMAN RELATIONS COUNCIL – TO FILL THE EXPIRED TERM OF
VICTORIA GACHUZ, TERM TO EXPIRE JUNE 30, 2006**

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously appointed Victoria Gachuz to the Human Relations Council, term to expire June 30, 2009.

**AWARD – CONTRACT FOR 2006 STREET
IMPROVEMENTS AND RESURFACING**

Mr. Smith stated that only two bids were received, so we will have to readvertise.

**AUTHORIZE – MANAGER TO SIGN A PROFESSIONAL
SERVICES AGREEMENT WITH RIVER AND
ASSOCIATES INC. TO PERFORM DRAINAGE STUDY**

Allen Lewis, Public Works Director, stated that we have a proposal to award a contract to Rivers & Associates to perform a comprehensive drainage study of the entire City, not just one drainage basin. They would take the drainage studies done in the past and incorporate them into their study. The study will request that we apply for a grant up to \$100,000. The grant will assist in the financing up to 50% of the study, if the grant is awarded.

Mr. Smith stated that we budgeted debt service on the loan to fund our share of the project (\$65,000). He stated we spent \$15,000 for cleaning, pipelines, etc. Councilman Jennings asked how are we going to pay for our portion? Mr. Smith stated that we will have to do a bond issue. The goal of the study is to get a concept plan for each of the drainage areas and decide where to spend the money.

Councilman Gibson returned to the meeting.

Councilman Brooks asked if a larger catch basin will be put in when the Highway 17 Bypass is put in? Mr. Lewis stated he had not seen the completed drainage plans yet, but he is sure it will be designed for a 50 year storm.

Mr. Smith stated that what has happened for a period of time, years ago when there was a drainage problem in a canal, it basically drained land. Today you can't do that, the conflicting values are trying to move water away from developed land and trying to use retained wetlands and treat it before it gets to the river. That area (Iron Creek) is not impeded by Highway 264. The pipes that go under Highway 264 is impeded by wetland area between there and Tranters Creek, and we are not allowed to create a drainage ditch. The hope is that in the future we will create big ponds, man-made drainage area, like at the Estuarium. There will have to be a lot of those created in many areas of the city to hold and treat water before it goes into the river. It will not be a simple process to address drainage areas in the future. Land that otherwise that might have been developed will become drainage areas.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously authorized the Manager to enter into a professional services agreement with Rivers and Associates, Inc. to perform a drainage study for the City of Washington.

ADOPT – TAR-PAMLICO STORMWATER PERMIT FEE

Mr. Lewis stated that the \$500 fee is comparable to other cities. He pointed out that this is an unfunded mandate. Councilman Gahagan asked that staff pay close attention these. Councilman Jennings suggested that Council needs to get involved with our legislators, and maybe cities need to form an official committee who are affected by this mandate.

On motion of Councilman Gibson, seconded by Councilman Brooks, Council unanimously adopted the Tar Pamlico Stormwater Permit fee at \$500.00 minimum and all associated review fees to be paid by the applicant prior to the issuance to any building permits.

**ADOPT – ORDINANCE TO AMEND CHAPTER 19,
STORMWATER MANAGEMENT**

Mr. Lewis stated that this ordinance will assist City staff in keeping drainage ways clear by prohibiting the placement of solid waste in such a fashion as to block drainage. Grass trimming and yard waste are often washed down into catch basins and drainage pipes causing drainage issues that are unforeseen during dry weather. This ordinance establishes clear violations.

Councilman Gibson stated this is a very good ordinance.

Staff was advised to have an insert included in the electric bills about the new ordinance.

On motion of Councilman Gibson, seconded by Councilman Brooks, Council unanimously adopted an ordinance to add Chapter 19, Sec. 19-31 – Depositing solid waste in streets prohibited, and amend Sec. 19-18 – Civil Penalties, with an effective date of August 15, 2006.

**AN ORDINANCE TO AMEND CHAPTER 19,
STROMWATER MANAGEMENT,
OF THE WASHINGTON CITY CODE**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That Chapter 19 Section 19-31 - Depositing solid waste in streets prohibited be added to include the following:

Sec. 19-31. Depositing solid waste in streets prohibited.

It shall be unlawful to place any garbage, tree limbs, furniture, appliances, building material waste, grass trimmings, mulched yard waste or debris of any type in any portion of a paved street, including the curb and gutter, or upon any paved sidewalk or right-of-way area used as a sidewalk, or within a dirt street so as to cause a drainage blockage and/or hinder the water quality of the storm water being discharged to waters of the State. The occupant, owner, tenant and/or contractor shall be considered as the party who places items listed above when those items are found violating this section and are adjacent to the occupant's property.

Section 2. That Chapter 19 Section 19-18 – Civil Penalties, be amended by adding the following:

(g) Penalties for depositing solid waste in streets, as outlined in Sec. 19-31, shall be as follows:

- (1) Any person(s) found to be in violation of Sec. 19-31, Depositing solid waste in streets prohibited, shall be subject to a civil penalty in the amount of \$50.00. Violators shall be issued a written citation which must be paid to the office of the collector of revenue within five (5) days.
- (2) For the purpose of enforcement, each and every day the violation continues may be considered a new violation.
- (3) Any violations of Sec. 19-31 may be prosecuted as a misdemeanor in accordance with G.S. 160A-175.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective August 15, 2006.

This the 14th day of August 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

**AUTHORIZE – APPROVAL OF A LICENSE TO ALLOW THE
OWNERS OF 1 HARDING SQUARE, FRIEDMAN-
RAVENWOOD ACCESS OF PROPERTY OWNED BY CITY
ADJACENT TO THEIR PROPERTY ON WATER STREET**

Bobby Roberson, Planning Director, stated that staff is recommending a license to allow access to City owned property, rather than an easement, thereby protecting the City from any liabilities.

Mr. Craig Newton, of Friedman-Ravenwood, LLC., stated that it is essential for the business to have access to the space outside the building (1 Harding Square), as is allowed on Main Street.

Mr. Holscher stated the City would have control of it, and if there is a lot of violations, you can remove the license.

Mr. Newton stated that it would go from grass to concrete or pavement that would be enclosed with a fence, since alcohol would be served. The fenced would be approved by the Historic Preservation Commission.

Mr. Holscher stated that he would look at it as not to give it away permanently because the use could change or for some safety reason, or improper use.

After discussion, on motion of Councilman Gahagan, seconded by Councilman Gibson, Council unanimously authorized the City Manager, along with assistance from our City Attorney, to prepare a license to allow for the use of city property adjacent to 1 Harding Square for the purpose of allowing an appurtenance to the proposed restaurant facility and other businesses between Friedman-Ravenwood, LLC and the City of Washington.

**DISCUSS – ORDINANCE THAT WOULD AMEND CITY'S
ZONING ORDINANCE TO ESTABLISH DEMOLITION BY
NEGLECT REGULATIONS FOR THE LOCAL HISTORIC
DISTRICT**

Mr. Roberson stated that the City Attorney will review the document that would establish demolition by neglect regulations for the local Historic District, and it will be brought back in September. This is another step to encourage property owners to take care of their property.

Mayor Jennette asked what City the ordinance was patterned after. Mr. Roberson answered Raleigh because it was more thorough and had been up to the challenge. Mr. Roberson asked Council to keep in mind it takes a year before a structure is taken down.

Councilman Gibson asked how citizens would know about this. Mr. Roberson stated that everyone in the historic district would be notified and also by individual mailing lists.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously authorized the City Attorney to review the draft demolition by neglect ordinance that would authorize the City to require maintenance of deteriorating structures in the Historic District, and further moved that the City Council hold a public hearing for adoption of the ordinance, Monday, September 18, 2006.

Mr. Holscher asked Council to give their comments to him or Franz.

**REQUEST – FROM DWOW (1) WAIVE TRANSIENT DOCKING FEE FOR
CHRISTMAS FLOTILLA AND WAIVE SLIP RENTAL FEES FOR
PAMLICO IN-WATER BOAT SHOW**

Mr. Roger Tuttle appeared before Council to request Council to waive the transient docking fee for the Christmas Flotilla. He stated that they have asked DWOW to take over the production of the parade because there is too much work for a few. He stated that the boat owners have to extend their insurance because it is usually up November 1st; they spend a lot of money to produce electricity, and pay for their decorations along with a fee to dock their boats. He asked Council to waive the fee for 9, 10 or 12 boats at most. They have asked the US Power Squadrons local chapter to back them on traffic control in the river and the U. S. Marine Band will entertain. The spots that are left have been reserved now. They are hoping to subsidize the whole thing and not charge the City a penny.

After discussion, on motion of Councilman Gibson, seconded by Councilman Jennings, Council unanimously approved that up to 9 transient docks be designated for vessels being decorated for the Christmas Flotilla and that boats on those docks not be charged transient dock fees for the event.

Councilman Jennings stated that there have been some boats that have been identified that have reserved slips already that are going to be in the Flotilla, and rather than put a number, put any boat that is in the boat show becomes eligible.

Councilman Gibson amended the motion to not designate a certain number, but “any boat designated for the boat show.” Councilman Jennings seconded the amended motion which carried unanimously.

WAIVE SLIP RENTAL FEES FOR PAMLICO IN-WATER BOAT SHOW

Ms. Dot Moate asked for a continuance on this issue. There will be a meeting on Wednesday to make some decisions and will give an update later on.

**REQUEST – FROM DWOW TO WAIVE \$1.00 CITY-PROVIDED
WRISTBANDS (AT CRAB PICKING)**

Ms. Moate asked Council to waive the \$1.00 city-owned wristband. The wristband identifies the persons consuming alcohol and recoups our costs. Ms. Moate stated they have secured wristbands in two different colors, one for the persons consuming alcohol and one for the regular fee. This was an expense they did not want to include in their minimal budget, and they can get the same armband for \$19.00 per 1000 armbands.

Mr. Smith stated that the original intent was there would have to be police officers assigned and this would be to recoup our costs. This is actually taking money out of one pocket and putting it into another. Mayor Jennette stated that as we deal with nonprofits, we have been deviating from our policy.

Councilman Jennings stated that we could charge \$1.00 to the person who is wearing the armband. Mayor Jennette stated that in the future that could be included in the price.

Councilman Gahagan stated that we need to rethink the whole thing and give them a list of what is expected.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council approved, with concern for the inaugural event, “Picking on the Pamlico” that the \$1.00 fee be waived for the alcohol armbands and that going forward in subsequent years, the \$1.00 fee or our current policy be applied.

**CHANGE – CITY COUNCIL SEPTEMBER MEETING DATE TO
MONDAY, SEPTEMBER 18, 2006**

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously changed the meeting date for the regular September meeting to Monday, September 18, 2006 at 4:30 p.m. in the Council Chambers.

Mayor Jennette stated she would be in Raleigh that day but she would try to be back.

ADOPT – PARKING FOR FARMERS MARKET

Mr. Smith stated that there is a request from the participants that the hours be limited to 15 minutes parking in order to accommodate the Farmers Market patrons.

On motion of Councilman Gahagan, seconded by Councilman Gibson, Council unanimously adopted an ordinance amendment restricting the three most westerly parallel parking places on Stewart Parkway and the five most westerly parking places in the off street parking lot adjacent to Stewart Parkway, including the two existing handicapped parking places to 15 minutes parking from 6:00 a.m. to 12:00 p.m. on Saturdays in the months of May through October.

**AN ORDINANCE TO AMEND CHAPTER 9, PARKING
PROHIBITED**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1.

Chapter 9-124 Fifteen-minute Parking Areas is amended by adding there to Stewart Parkway westerly 120 feet on Saturdays May through October from 6:00 a.m. until 12:00 p.m.

AND

The five most westerly spaces in the parking lot located southeast of the intersection of west main street where Gladden Street intersects with Stewart Parkway, said lot bounded on the South and West by Stewart Parkway and on the East by Respass Street. During the months of May through October from 6:00 a.m. until 12:00 p.m.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

This, the 14th day of August, 2006.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

**ADOPT – RESOLUTION DIRECTING CITY CLERK TO INVESTIGATE
A NON-CONTIGUOUS SATELLITE ANNEXATION PETITION
(BEAUFORT COUNTY SCHOOLS)**

On motion of Councilman Gibson, seconded by Councilman Gahagan, Council unanimously adopted a Resolution directing the City Clerk to investigate a non-contiguous satellite annexation petition received under General Statutes 160A-58.1.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160 A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 9, 2006 by the Washington City Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Washington deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

Annexation #06-A-04
BC Schools

**CLOSED SESSION – UNDER G. S. 143-318.11 (a)(3) ATTORNEY
CLIENT**

Mayor Jennette asked that the Personnel Closed Session be postpone until September since Mayor Pro tem Woolard is not here.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously postponed the Closed Session on Personnel until September.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously agreed to go into closed session under G.S 143-318.11(a)(3) Attorney Client at 7:50 p.m.

On motion of Councilman Brooks, seconded by Councilman Gibson, Council unanimously agreed to come out of closed session at 8:30 p.m.

ADOPT RESOLUTION – SMART GROWTH

Councilman Jennings recommended that the City Council adopt a Resolution supporting adoption by Beaufort County of the principles of Smart growth.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously adopted a Resolution Supporting Adoption by Beaufort County of the Principles of Smart Growth.

**A RESOLUTION SUPPORTING ADOPTION BY BEAUFORT COUNTY
OF THE PRINCIPLES OF SMART GROWTH**

WHEREAS, in communities across the nation, there is a growing realization that current development patterns dominated by what is often called sprawl is undermining the quality of life for existing residents and resulting in development patterns which are expensive to maintain, create excessive transportation costs, and do not provide affordable housing; and;

WHEREAS, recently announced, intensively developed projects proposed in environmentally sensitive locations, beyond the reach of existing infrastructure have caused significant concerns among residents throughout Beaufort County.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Washington strongly and sincerely request that the Beaufort County Commission adopt the nationally identified principals of Smart Growth as follows:

- Mix Land Uses
- Take Advantage of Compact Building Design
- Create Range of Housing Opportunities and Choices
- Create Walkable Neighborhoods
- Foster Distinctive, Attractive Communities with a Strong Sense of Place
- Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas
- Strengthen and Direct Development Towards Existing Communities
- Provide a Variety of Transportation Choices
- Make Development Decisions Predictable, Fair and Cost Effective
- Encourage Community and Stakeholder Collaboration

Further, that the Commission take steps to institute appropriate land use controls, especially in waterfront areas of the County which are under substantial development pressures to implement the Smart Growth principals.

Passed this, the 14th day of August, 2006.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

s/Rita A. Thompson
RITA A. THOMPSON, CMC
CITY CLERK

911 EMERGENCY SERVICES

Mr. Smith stated that property and addresses have to be resolved and the need to use the geographic information to assign house numbers. There is an agreement with the MidEast Commission to do the GIS on a need analysis, utility billing, land use, etc.

Mr. Smith stated that the other issues is more complex...the City or the County does not have hardware or space and another station is needed to do dispatching, about \$1 million in capital cost.

Councilman Jennings stated that we need to start this process with the encouragement to work with us or the City just cannot continue to handle 911. It is the County's responsibility. Mr. Smith stated the City would have to serve notice to the County. Councilman Jennings asked Mr. Smith to find out what notice is required, that we don't need to go back and forth.

LIBRARY CONSOLIDATION

Councilman Jennings stated that a resolution needs to be made right now because it will take six or seven months at a minimum. Mayor Jennette stated that she has asked the City Manager to set up a meeting with the head of the State Library.

A report from a consultant has just been received on the Library, and a presentation will be made at a future meeting to the Council.

THE NINETY-NINES (INTERNATIONAL ORGANIZATION OF WOMEN PILOTS)

Council agreed that the Kitty Hawk Chapter of the Ninety-Nines can air mark the Warren Field Airport. DOT will provide the paint and the Kitty Hawk Chapter will provide the labor. The project is set for Saturday, October 7 with a rain date of October 21st.

On motion of Councilman Jennings, seconded by Councilman Gahagan, Council unanimously adjourned the meeting at 8:45 p.m.

**Rita A. Thompson, CMC
City Clerk**